

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**YESH MUSIC, LLC, and JOHN K.
EMANUELLE,**

Plaintiffs,

v.

MICROSOFT CORP.,

Defendant.

Civil Action No. 15-cv-6510-DLI-RER

**NOTICE OF DEFENDANT MICROSOFT'S
MOTION TO DISMISS OR STRIKE IN PART DAMAGES CLAIMS IN PLAINTIFFS'
FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon its memorandum of law, dated January 8, 2016, and upon all the papers and pleadings filed in this action, defendant Microsoft Corp. will move this court before the Honorable Dora L. Irizarry, United States District Judge for the Eastern District of New York, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201, on a date to be set by the court, for an Order granting its Motion to Dismiss or Strike in Part Damages Claims in Plaintiffs' First Amended Complaint¹ pursuant to Fed. R. Civ. P. 12(b)(6) and/or 12(f), and granting such other and further relief as the Court deems just and proper.

Dated: New York, NY
January 8, 2016

GREENBERG TRAURIG, LLP

By: /s/ Joshua L. Raskin
Joshua L. Raskin
200 Park Avenue
New York, NY 10166
Tel.: (212) 801-9200

¹ A true and correct copy of the First Amended Complaint (including Exhibits A and B) is attached hereto.

Ian C. Ballon (*pro hac vice* to be submitted)
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Attorneys for Defendant
MICROSOFT CORPORATION

CERTIFICATE OF SERVICE

I, Joshua L. Raskin, hereby certify that on January 8, 2016, I caused a true and correct copy of the foregoing document to be served by ECF on counsel of record.

s/Joshua L. Raskin

Joshua L. Raskin